



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

21 SOUTH FRUIT STREET SUITE 14  
CONCORD, NEW HAMPSHIRE 03301

John Elias  
Commissioner

Alexander K. Feldvebel  
Deputy Commissioner

December 4, 2019

John Elias  
Commissioner  
New Hampshire Insurance Department  
21 South Fruit Street, Suite 14  
Concord, NH 03301

Re: John Lord  
Docket No.: 19-017-EP

Dear Commissioner Elias,

Please find enclosed my Proposed Decision and Order in the above referenced matter in accordance with Ins 204.26 (a)(1).

Sincerely,

A handwritten signature in black ink, reading "Michelle Heaton", is positioned above the typed name.

Michelle Heaton, Esq.

Enclosure

Copy to: Mary Bleier, Esq.  
John Lord



**THE STATE OF NEW HAMPSHIRE  
INSURANCE DEPARTMENT**

**In re: John Lord**

**Docket No.: 19-017-EP**

**PROPOSED DECISION AND ORDER**

**Appearance for Petitioner:**

No Appearance

**Appearance for Department:**

Mary Bleier, Esq.  
Enforcement Counsel  
NH Insurance Department

**Hearing Officer:**

Michelle Heaton, Esq.  
Administrative Hearings Judge  
NH Insurance Department

**I. Background**

John Lord ("Respondent") is a licensed non-resident insurance producer licensed to sell life, accident, and health or sickness insurance products.<sup>1</sup> The Insurance Department ("Department") first issued Respondent a license in New Hampshire on May 4, 2018, and his current license expires on May 31, 2020.<sup>2</sup> On August 8, 2019, the Department issued an Order to Show Cause and Notice of Hearing ("Notice of Hearing") to Respondent in accordance with RSA 400-A:17, II(a) and 402-J:12, III.<sup>3</sup> In the Notice of Hearing, the Department alleged that on June 29, 2018, and November 9, 2018, Respondent was denied a non-resident producer license in

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<sup>1</sup> Ex. 3.

<sup>2</sup> *Id.*

<sup>3</sup> Ex. 1.

South Dakota and Indiana respectively.<sup>4</sup> Respondent's non-resident producer license was revoked in Louisiana on January 17, 2019, and in Washington on May 7, 2019.<sup>5</sup> It is alleged that Respondent failed to report these administrative actions within the required time period and failed to respond to the Department's request to provide additional information.<sup>6</sup> The Department sought revocation of Respondent's non-resident insurance producer license and imposition of an administrative fine not to exceed \$2,500 per violation.<sup>7</sup>

On September 23, 2019, the hearing scheduled for September 24, 2019, was continued until November 5, 2019, at the request of Respondent in order to allow settlement negotiations. No settlement was reached and a hearing was held at the Department on November 5, 2019. Respondent was not present for the hearing. Enforcement Counsel provided an offer of proof and submitted the following exhibits:

**Department's Exhibits:**

- Exhibit 1 – Order to Show Cause with cover letter
- Exhibit 2 – Notice Information
- Exhibit 3 – NH Licensing Information
- Exhibit 4 – South Dakota Denial
- Exhibit 5 – Indiana Order
- Exhibit 6 – Louisiana Order
- Exhibit 7 – Washington Order
- Exhibit 8 – RIRS Actions Summary
- Exhibit 9 – NHID First Request for Information with Email
- Exhibit 10 – NHID Second Request for Information with Email

At the conclusion of the hearing, the record was held open until November 8, 2019, to allow either party to file additional documents, argument, or proposed findings. No further documents were received.

**II. Findings of Fact**

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

On June 29, 2018, the South Dakota Department of Labor and Regulation denied Respondent's non-resident insurance producer license application for providing false or misleading information in response to background questions.<sup>8</sup> The denial letter from South Dakota informed Respondent that such a denial was an administrative action and may need to be reported to states in which he is licensed.<sup>9</sup> Respondent notified the Department about the South Dakota action by uploading a copy of the South Dakota denial to the National Insurance Producer Registry ("NIPR") Attachment Warehouse on January 18, 2019.<sup>10</sup>

On November 9, 2018, the Indiana Commissioner of Insurance denied Respondent's non-resident insurance producer license application for providing incorrect, misleading, incomplete, or materially untrue information in a licensure application.<sup>11</sup> It was also determined that Respondent did not meet the licensure requirements in Indiana due to a 2007 misdemeanor theft conviction, the circumstances surrounding his disbarment from the practice of law in Ohio, and his failure to disclose the South Dakota denial of licensure.<sup>12</sup> Respondent failed to report this action to the Department and did not upload a copy to the NIPR Attachment Warehouse.

On January 17, 2019, the Louisiana Department of Insurance revoked Respondent's non-resident producer license.<sup>13</sup> This action was a result of Respondent's denial of license in South Dakota and his failure to disclose criminal and administrative actions on his producer application.<sup>14</sup> Respondent also failed to submit responses to two requests from the Louisiana Department of Insurance to provide an explanation regarding his failure to disclose the actions

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<sup>8</sup> Ex. 4, p. 21.

<sup>9</sup> *Id.*

<sup>10</sup> Ex. 4, p. 20.

<sup>11</sup> Ex. 5, p. 23.

<sup>12</sup> *Id.*

<sup>13</sup> Ex. 6.

<sup>14</sup> Ex. 6, p. 26.

on his application.<sup>15</sup> In the Notice of Revocation Order, Respondent was advised that the order constituted an administrative action that may need to be reported to states in which he is licensed.<sup>16</sup> Respondent failed to report this action to the Department and did not upload a copy to the NIPR Attachment Warehouse.<sup>17</sup>

On May 7, 2019, the Washington Office of the Insurance Commissioner revoked Respondent's non-resident producer license for failing to report the Louisiana action and failing to provide a timely response to an inquiry from the Insurance Commissioner.<sup>18</sup> Respondent failed to report this action to the Department and did not upload a copy to the NIPR Attachment Warehouse.<sup>19</sup>

On June 27, 2019, the Department sent Respondent a letter by U.S. Postal Service and email directing Respondent to provide an explanation regarding his failure to report the administrative actions in South Dakota, Indiana, Louisiana, and Washington.<sup>20</sup> The Department requested Respondent submit a response no later than July 10, 2019.<sup>21</sup> Respondent failed to submit a response by the required deadline.<sup>22</sup> The Department sent Respondent a second letter by U.S. Postal Service and email on July 23, 2019, again directing Respondent submit a response by August 7, 2019.<sup>23</sup> Respondent failed to submit a response by the required deadline.<sup>24</sup>

### **III. Legal Analysis and Discussion**

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<sup>15</sup> *Id.* at 25.

<sup>16</sup> *Id.* at 26.

<sup>17</sup> Ex. 4, p. 19.

<sup>18</sup> Ex. 7.

<sup>19</sup> Ex. 4, p. 19.

<sup>20</sup> Ex. 9.

<sup>21</sup> Ex. 9, p. 38A.

<sup>22</sup> Ex. 10.

<sup>23</sup> *Id.*

<sup>24</sup>

As an insurance producer, Respondent is bound by the provisions of RSA 402-J.<sup>25</sup> RSA 402-J:12 allows the commissioner to impose a penalty against a producer for "violating any insurance laws, or violating any rule, regulation, subpoena, or order of the commissioner or of another state's insurance commissioner."<sup>26</sup> "Having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state," is also a violation that could lead to regulatory action by the commissioner.<sup>27</sup> South Dakota, Indiana, Louisiana, and Washington each denied or revoked Respondent's producer license after finding that Respondent violated insurance laws in each respective state. Each of the denials and revocations constitutes a violation of RSA 402-J:12, I(i) and each of the underlying violations leading to the denial or revocation constitutes a violation of RSA 402-J:12, I(b).

Producers are required to report to the Department any administrative action taken against the producer in any jurisdiction within 30 days of the final disposition.<sup>28</sup> Respondent failed to report to the Department the administrative actions taken against him in Indiana, Louisiana, and Washington in violation of RSA 402-J:12, I(b) and 402-J-17, I. Respondent waited more than six months before reporting the administrative action taken by South Dakota. Therefore, Respondent failed to report to the Department the administrative action taken against him by South Dakota within 30 days in violation of RSA 402-J:12, I(b) and 402-J:17, I.

Individuals subject to the authority of the commissioner are required to respond within 10 working days to a request from the commissioner.<sup>29</sup> Respondent violated RSA 400-A:16, II and

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<sup>25</sup> RSA 402-J:1.

<sup>26</sup> RSA 402-J:12, I(b).

<sup>27</sup> RSA 402-J:12, I(i).

<sup>28</sup> RSA 402-J:17, I.


<sup>29</sup> RSA 400-A:16, II.

RSA 402-J:12, I(b) by failing to respond to the Department's request for a response each time he failed to submit his response by the required deadline.

#### IV. Conclusion

Based on the foregoing, I propose that Respondent's producer license be PERMANENTLY REVOKED as a result of each of the violations as specified above.

Date: 12/4/19

  
Michelle Heaton, Hearing Officer